UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,698	03/24/2004	Eric J. Glover	03032	5604

7590 04/10/2007 NEC Laboratories America, Inc. 4 Independence Way Princeton, NJ 08540	EXAMINER
	KIM, PAUL

ART UNIT	PAPER NUMBER
2161	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/807,698	GLOVER, ERIC J.
	Examiner	Art Unit	
	Paul Kim	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 January 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 21-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 21-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office action is responsive to the following communication: Amendment filed on 24 January

2007.

2.   Claims 1-9 and 21-23 are pending and present for examination. Claims 1 and 21 are

independent.

Response to Amendment

3.   No claims have been amended.

4.   No claims have been cancelled.

5.   No claims have been added.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   **Claims 1-5, 7 and 21-23** are rejected under 35 U.S.C. 102(b) as being anticipated by Lakritz

(U.S. Patent No. 6,526,426, hereinafter referred to as LAKRTIZ), filed on 28 January 1999 and issued on

25 February 2003.

8.   **As per independent claims 1 and 21,** LAKRITZ teaches:

> A method for crawling for resources in a network, the method comprising:
>
>> receiving a list of resources on the network and for at least one of the resources on the list of resources,
>>
>> sending a first request to a server in the network for the resource using a first browser state {See LAKRTIZ, C3:L61-67, wherein this reads over "the Visitor module . . .

automatically determines the language and country of a Web site visitor and directs the Web server
to deliver the appropriate localized content contained in one or more country/language databases
and/or file-based content in a file system 204 to the visitor's browser"}, and

sending a second request for the same resource using a second browser state {See
LAKRTIZ, C3:L61-67, wherein this reads over "the Visitor module . . . automatically determines the
language and country of a Web site visitor and directs the Web server to deliver the appropriate
localized content contained in one or more country/language databases and/or file-based content in a
file system 204 to the visitor's browser"}.

Additionally, it would be inherent that a list of resources would be received on the network since

a user would select a resource from the aforementioned list to request the resource in a certain browser

state.

9.   **As per dependent claims 2 and 22,** LAKRITZ teaches:

The method of claim 1 wherein the resources are identified by uniform resource locators
and wherein the first and second request specify a same uniform resource locator
{See LAKRITZ, C5:L53-62, wherein this reads over "[i]f a document in the language that is first on the
priority list is not present on the server, it then looks for the next most appropriate language"; C6:L11-13,
wherein this reads over "This allows easy access to the appropriate translation for the informational text
based on the most recently valid language for the visitor's country and language"; and C6:L29-30, wherein
this reads over "a multi-user server can have a separate region definition for each user's site"}.

10.   **As per dependent claims 3 and 23,** LAKRITZ teaches:

The method of claim 1 wherein the browser state comprises a language preference {See
LAKRITZ, C3:L58-60, wherein this reads over "Web site visitors will immediately understand the
information they see when they enter a site because it will be instantly presented in their language and for
their country"; and C4:L28-38, wherein this reads over "the Visitor module determines the Web site
visitor's language and country 301 from one or more of the following criteria"}.

11.   **As per dependent claims 4 and 23,** LAKRITZ teaches:

The method of claim 1 wherein the browser state comprises a locale preference {See
LAKRITZ, C22:L35-40, wherein this reads over "WebPlexer has the unique ability to independently
maintain both the country and the language associated with each request. This provides a great deal of
flexibility in selectively targeting content to specific regions or countries of the world"}.

12.   **As per dependent claims 5 and 23,** LAKRITZ teaches:

The method of claim 1 wherein the browser state comprises location information {See
LAKRITZ, C3:L58-60, wherein this reads over "Web site visitors will immediately understand the
information they see when they enter a site because it will be instantly presented in their language and for
their country"; and C4:L28-38, wherein this reads over "the Visitor module determines the Web site
visitor's language and country 301 from one or more of the following criteria"}.

13.   **As per dependent claims 7 and 23,** LAKRITZ teaches:

The method of claim 1 wherein the browser state comprises a network address {See
LAKRTIZ, C20:L46-48, wherein this reads over "WebPlexer provides a method of optionally forcing the
selection of specific language(s) for certain hostnames or ip addresses"}.

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains.   Patentability shall not be
> negatived by the manner in which the invention was made.

15.   **Claims 6, 8-9 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over

LAKRTIZ, in view of Official Notice.

16.   **As per dependent claims 6 and 23,** it would have been obvious to one of ordinary skill in the

art at the time the invention was made to include a browser identification within the request for a

resource so that the server may appropriately deliver the correct content according to the browser type

(e.g. Internet Explorer, Netscape Navigator, or Mozilla Firefox) and/or the browser version (e.g. Internet

Explorer v.5.1. or v.9.10.4.87).

17.   **As per dependent claim 8,** it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have the first and second requests issued by two different crawler

applications, both capable of having multiple browser states.

18.   **As per dependent claim 9,** it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have the first and second requests issued by a crawler application that

can vary its browser state between the first and second requests since a user would be able to change

the browser settings between the first and second requests.

Response to Arguments

19.   Applicant's arguments filed 24 January 2007 have been fully considered but they are not

persuasive.

20.   Regarding the claim rejections under 35 U.S.C. 102, Applicant asserts the argument that "Lakritz

does not show a method for crawling for resources in a network." The Examiner respectfully disagrees in

that Lakritz a translation management system which translates multilingual Internet Web sites for a user

in response to a search query {See Larkritz, C1:L30-44 and C2:L1-43}. That is, the invention as

disclosed by Lakritz is specifically for use in the document translation for multilingual Internet Web sites

which have been requested and return by a search engine. Furthermore, Applicant asserts the argument

that Lakritz fails to show "receiving a list of resource on the network." It is once again noted that it is

both inherent and obvious to one of ordinary skill in the art that wherein a search is conducted by a user

on a search engine, said search engine would return a list of resources matching said query to the user.

Additionally, in response to applicant's arguments, the recitation "[a] method for crawling for

resources in a network" has not been given patentable weight because the recitation occurs in the

preamble. A preamble is generally not accorded any patentable weight where it merely recites the

purpose of a process or the intended use of a structure, and where the body of the claim does not

depend on the preamble for completeness but, instead, the process steps or structural limitations are

able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187

F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

21.   Regarding the claim rejections under 35 U.S.C. 103, Applicant asserts the argument that Lakritz

fails to disclose that the "system can handle multiple different web sites and enable the effective indexing

of different languages for the same content across multiple sites" (See Amendment, page 4). It is noted

that the features upon which applicant relies (i.e., system can handle multiple different web sites and

enable the effective indexing of different languages for the same content across multiple sites) are not

recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

22.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set

forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing

date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

23.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be

reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu

Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or

access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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